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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Volkov, Alexei

Application No: 10/637,132

Filed: August 8, 2003

For: METHOD AND APPARATUS FOR
TRANSFERRING DATA IN A
DISTRIBUTED TESTING SYSTEM

Group Art Unit: 2191

Examiner: Khatri, Anil

Atty. Docket No: SUNMP340

Date: November 10, 2009

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on November 10, 2009.

Signed: _____

Kay Harlow

PETITION UNDER 1.181

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment (Notice) was mailed to the undersigned on July 16, 2007. The Notice was not received by the undersigned, and the undersigned recently became aware of its abandoned status when the Assignee inquired into the status. Upon downloading the Notice from PAIR, the undersigned noticed that the reason given by the Examiner for abandonment was that the Applicant failed to reply to the action of Oct. 16, 2006.

The Examiner's reason for abandonment is incorrect.

- Attached is a reply to the Oct. 16, 2006 office action was filed on February 16, 2007 (*Exhibit 1*).
- Attached is a copy of the Post Card, having the USPTO stamp dated February 21, 2007 (*Exhibit 2*).
- Attached is a copy of check number 17844, for a 1 month extension dated February 16, 2007 (*Exhibit 3*).
- Attached is the reverse side of check number 17844, with the USPTO endorsement stamp, dated February 23, 2007 (*Exhibit 4*).

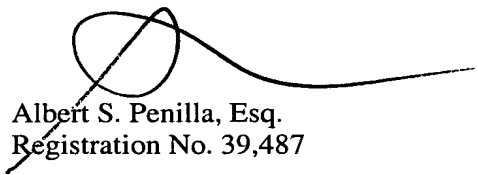
The Notice also included a notation, under reasons, "Approved by Key Harllow on 6/18/07". Correct spelling is "Kay Harlow". The Notice is unclear as to *what* was approved. Our records show that a response was filed to the action of Oct. 16, 2006. The only thing that could have been approved is an indication that a response *was indeed filed* on February 16, 2007.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

Applicant hereby submits that a response was filed for the action of Oct. 16, 2006. Accordingly, the petitions Examiner is respectfully requested to remove this case from abandonment status and return the case to the Examiner for action on the response filed on February 16, 2007.

No fee is believed due for filing this Petition. If any fees are deemed necessary, the Offices is authorized to charge Deposit Account No. 50-0805, (Order No. SUNMP340).

Respectfully submitted,
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